

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISAAC PETTIGREW,

Plaintiff,

-v-

LVNV FUNDING LLC, et al.,

Defendants.

CIVIL ACTION NO. 25 Civ. 1539 (JPC) (SLC)

ORDER OF SERVICE

SARAH L. CAVE, United States Magistrate Judge.

Plaintiff Isaac Pettigrew (“Mr. Pettigrew”), who is appearing pro se, brings this action under the Fair Credit Reporting Act, 15 U.S.C. § 1681; the Fair Debt Collection Practices Act, 15 U.S.C. § 1692; and New York General Business Law § 349, alleging that Defendants LVNV Funding LLC (“LVNV”) and Resurgent Capital Services LP (“Resurgent”) reported inaccurate information to credit agencies and thereafter (1) failed to conduct reasonable investigations of Mr. Pettigrew’s disputes or (2) update, block, or delete the disputed entries on Mr. Pettigrew’s credit reports. (See generally ECF No. 1). On March 3, 2025, the Court granted Mr. Pettigrew’s request to proceed in forma pauperis (“IFP”), that is, without prepayment of fees.

Because Mr. Pettigrew has been granted permission to proceed IFP, he is entitled to rely on the Court and the United States Marshals Service (the “U.S. Marshals”) to effect service.¹ Walker v. Schult, 717 F.3d 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) (“[t]he officers of the court shall issue and serve all process . . . in [IFP] cases”); Fed. R. Civ. P. 4(c)(3) (instructing

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, here, the Court extends the time to serve until 90 days after the date the summons is issued.

that the court “must” order the U.S. Marshals to effect service “if the plaintiff is authorized to proceed [IFP]”).

To allow Mr. Pettigrew to effect service on LVNV and Resurgent through the U.S. Marshals, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return Form (“USM-285 Form”) for those Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the U.S. Marshals all the paperwork necessary for the U.S. Marshals to effect service upon LVNV and Resurgent

If the Complaint is not served within 90 days after the date the summonses are issued, Mr. Pettigrew should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is plaintiff’s responsibility to request an extension of time for service). Moreover, Mr. Pettigrew must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

The Clerk of Court is instructed to (i) complete the USM-285 Form with the addresses for LVNV and Resurgent below and deliver to the U.S. Marshals all documents necessary to effect service, and (ii) mail an information package and a copy of this Order to Mr. Pettigrew. Mr. Pettigrew may receive Court documents by email by completing the attached form, [Consent to Electronic Service](#).²

Dated: New York, New York
March 10, 2025

SO ORDERED.

² If Mr. Pettigrew consents to receive documents by email, he will no longer receive Court documents by regular mail.


SARAH L. CAVE
United States Magistrate Judge

DEFENDANTS AND SERVICE ADDRESSES

LVNV Funding LLC
355 S Main St., Suite 300-D
Greenville, SC 29601-2923

Resurgent Capital Services
55 Beattie Place, Suite 110
Greenville, SC 29601-5115